

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

**Hearing Date: 10/7/19
Hearing Time: 10:00am**

X

IN RE: HAMPSTEAD GLOBAL, LLC,

CH. 13

Debtor.

Case No. 19-22721-RDD

X

**NOTICE OF MOTION FOR ORDER HOLDING STACK'S
BOWERS NUMISMATICS, LLC IN CONTEMPT FOR
VIOLATION OF THE AUTOMATIC STAY**

PLEASE TAKE NOTICE THAT, HAMPSTEAD GLOBAL, LLC ("Debtor") by and through its Special Litigation Counsel will move this Court on October 7, 2019 **at 10:00a.m.** or as soon thereafter as counsel can be heard, at the United States Bankruptcy Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4140 before the Hon. Robert D. Drain, for an Order holding Stack's-Bowers Numismatics, LLC in contempt for violation of the automatic stay, and providing for such other relief as the Court may deem proper.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Motion must be made in writing and electronically filed with the Court no later than seven (7) days prior to the hearing date and served on attorneys for the Movant at the address set forth below with a courtesy copy to Chambers.

Dated: September 3, 2019
New York, NY

/S/ Charles A. Higgs
Charles A. Higgs
Litigation Counsel for the Debtor
450 Lexington Avenue, FL 4
New York, NY 10017
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: 10/7/19
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IN RE:

HAMPSTEAD GLOBAL, LLC,

CH. 11
Case No. 19-22721-RDD

Debtor.

X

AFFIRMATION IN SUPPORT OF MOTION FOR CONTEMPT

Charles A. Higgs, Esq., affirms as follows:

1. I have been retained as special litigation counsel to the Debtor in the above bankruptcy case. I make this affirmation in support of Debtor's Motion to Hold Stacks Bowers Numismatics, LLC ("Stacks Bowers" or "Creditor") in contempt for violation of the automatic stay.
2. The Debtor requests that the Court take judicial notice of the bankruptcy docket and the pleadings in this bankruptcy case and of the California Action¹ pursuant to Federal Rule of Evidence 201².
3. On March 30, 2019 (the "Petition Date"), Debtor commenced this bankruptcy case under Chapter 11 of the Bankruptcy Code by filing a bankruptcy petition. Stacks Bowers was listed as a Creditor in Debtor's bankruptcy petition.
4. On April 30, 2019 Stacks Bowers filed a notice of appearance in the bankruptcy case. **See**

Bankruptcy Docket Number 13.

¹ *Stack's-Bowers Numismatics, LLC v. Adam Michael Perzow and Does 1 through 10*, filed on May 10, 2019 in the Superior Court of the State of California for the County of Los Angeles 19-SMCV-00875 (the "California Action"). A courtesy copy of the Complaint from the California Action is being provided to the Bankruptcy Court and United States Trustee.

² Made applicable to bankruptcy proceedings pursuant to Fed. R. Bankr. P. 9017

5. The Complaint in the California Action reflects that it was filed on May 10, 2019, more than a month after the Petition Date and after Stacks Bowers had filed a notice of appearance in Debtor's bankruptcy case.
6. The Defendants in the California Action are the Debtor's Sole Member, Adam Perzow and "Does 1-10". Paragraph 5 of the Complaint in the California Action reflects that Stacks Bowers was aware that the Debtor is a single member limited liability company and that Adam Perzow is the sole member³.
7. The relief sought in the California Action is based entirely on the purchase and sale agreement for Coins.com (the "Contract") entered into between Stacks Bowers and the Debtor. **See Para. 5, 6, 7, 9, 12, 13, 14, 15 of the Complaint in the California Action.**
8. Commencement of the California Action after the Petition Date, constitutes a violation of the automatic stay, in particular Creditor's commencement of the California Action constitutes a violation of Sections 362(a)(1), 362(a)(3), and 362 (a)(6) of the Bankruptcy Code.
9. Debtor submits the attached Memorandum of Law in further support of its Motion.
10. Debtor seeks entry of order holding Stacks in Contempt for violation of the automatic stay and imposing actual damages, punitive damages, and attorney's fees and costs against Stacks.

Dated: September 3, 2019
New York, NY

/s/ Charles A., Higgs
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³ Notably in Paragraph 9 of the Complaint in the California Action, Stacks-Bowers acknowledges that the terms of the Contract are confidential.